

**CHIROPRACTIC EXAMINING BOARD
MINUTES
February 23, 2006**

PRESENT: Steven Conway, Char Glocke, Wendy Henrichs,
James Koshick, Steven Silverman, Mania Moore

EXCUSED: None

STAFF PRESENT: Jeff Scanlan, Director of Health Service Professions; Dennis Schuh,
Legal Counsel, Gina York, Bureau Assistant, and Division of
Enforcement and other staff

GUESTS: Jason Johns, WPTA/WDA; Kelly Rindhisch, WAHP;
Kent Albrecht, Self; James Greenwald, Self; Shirley Greenwald, Self

CALL TO ORDER

Wendy Henrichs, Vice Chair, called the meeting to order at 8:05 a.m. A quorum of six members was present.

APPROVAL OF AGENDA

Additions to the Agenda:

- Open Session: Under Presentation of Stipulations Received After the Mailing of the Agenda - Add Name LaRoy Reek
- Open Session: After Item J. – Review and Approval of the Chiropractic Continuing Education Approval Form Specified Under s. Chiro 5.02 (4)(a)(1) Wis. Admin. Code
- Closed Session: Under Deliberation of Stipulations Received After the Mailing of the Agenda - Add Name LaRoy Reek

MOTION: Char Glocke moved, seconded by Mania Moore, to approve the agenda as amended. Motion carried unanimously.

ELECTIONS

The Board held nominations and elections for new officers.

MOTION: Steven Conway moved, seconded by Char Glocke, to nominate Steven Silverman as Board Chair.

MOTION: James Koshick moved, seconded by Mania Moore, to nominate Wendy Henrichs as Board Chair.

There were five voting sessions which ending in a tie vote. The Board requested to postpone elections until later in today's meeting and took the following action.

MOTION: Steven Conway moved, seconded by James Koshick, to postpone the elections until later in today's agenda. Opposed: Char Glocke. Motion carried.

Elections resumed and four more voting sessions occurred. The ninth voting session resulted in the election of Steven Silverman as the new Board Chair. Upon these results and according to policy, Chair Silverman took charge of today's meeting.

MOTION: Steven Conway moved, seconded by James Koshick, to nominate Wendy Henrichs as Vice Chair. Motion carried unanimously.

MOTION: Steven Conway moved, seconded by Wendy Henrichs, to nominate James Koshick as Secretary. Motion carried unanimously.

ELECTION RESULTS	
Board Chair	Steven Silverman
Board Vice Chair	Wendy Henrichs
Board Secretary	James Koshick

COMMITTEE ASSIGNMENTS

There currently is a Nutritional Counseling Rules Sub-Committee of the Board. The following are current members Wendy Henrichs, Steven Conway, and James Koshick and were reappointed at today's meeting by the Chair.

APPOINT SCREENING PANEL MEMBERS

At today's meeting, the Chair appointed Mania Moore, James Koshick, and Steven Conway as members of the screening panel.

APPOINTMENT OF BOARD LIAISONS

The following board members were appointed as Board liaisons at today's meeting.

CE Liaison - Wendy Henrichs
Credentialing Liaison - Wendy Henrichs

DISCUSSION AND STATUS – PROPOSED RULES CHANGE CHIR RULES 6.02 RELATING TO ADEQUATE EDUCATION PRIOR TO APPLICATION OF NEW THERAPIES AND TREATMENT MODALITIES, REVIEW OF CLEARINGHOUSE REPORT

The Board discussed at length and consulted with Dennis Schuh, Legal Counsel, the rules Chir 6.02 relating to adequate education prior to application of new therapies and treatment modalities at today's meeting. Attorney Schuh reviewed the rulemaking process with the Board and the following action was taken.

MOTION: Char Glocke moved, seconded by Steven Silverman, to move the Chiro rules 6.02 forward in the rulemaking process. Motion carried unanimously.

DISCUSSION AND STATUS – PROPOSED RULES CHANGE CHIR RULES 5.01 AND 5.02 RELATING TO CONTINUING EDUCATION CREDIT AND APPROVAL OF CONTINUING EDUCATION PROGRAMS, REVIEW OF CLEARINGHOUSE REPORT

The Board discussed and reviewed the proposed rule changes regarding Chir rules 5.01 and 5.02 relating to continuing education credit and approval of continuing education programs. Dennis Schuh, Legal Counsel, provided guidance to the Board as needed at today's meeting. After a lengthy discussion, the Board took the following action.

MOTION: Char Glocke moved, seconded by Steven Conway, to move the Chiro rules 5.01 and 5.02 forward in the rulemaking process. Opposed – James Koshick. Motion carried.

ADMINISTRATIVE REPORT

Jeff Scanlan, Director of Health Service Professions, shared that a copy of the approved 2006 meeting dates for board members to note and use as a reference throughout the year. Mr. Scanlan shared that the regulation of AODA counselors will be coming to the Department. The Department has created the Substance Abuse Counselor Advisory Committee and Mr. Scanlan has been assigned as the Director and

ANNUAL POLICY REVIEW WITH BOARDS

Jeff Scanlan, Director of Health Service Professions, did an annual review of department policies with the Board at today's meeting. They are as follows:

- 1) Agendas and Addendums Policy: This policy was reviewed with the Board and it was clarified with them that agenda items could be submitted up to three weeks before the upcoming scheduled meeting date. After that deadline, an addendum would be required. An addendum is used only to post items that are of an urgent nature and cannot wait until the next meeting. This should be a rare occurrence and not the norm in preparing meeting agendas. Items that do not qualify as an urgent item will be considered for the next meeting agenda and will be part of that meeting's posting.
- 2) The Quorum Confirmation Policy: This policy was reviewed with the Board and it was clarified with them that if we do not hear from board members we would assume they will be attending the meeting. We will not be checking for a quorum each time. Only if we are contacted by two or more individuals indicating they will not be able to attend an upcoming scheduled meeting will we contact Board members to verify a quorum.
- 3) The Hotel Policy: This policy was reviewed with the Board regarding hotel room reservations for all meetings. The hotel policy is as follows:

DEPARTMENT POLICY

1. If the Board Member is not going to use the reserved hotel room, it is the **responsibility of the Board Member** to cancel the room by calling the hotel themselves. If the room is not cancelled, the Board Member would be responsible to pay the bill.
2. If we cancel a meeting because of lack of quorum or no business, it should be our responsibility to cancel any room reservations.

- 4) Travel Rules and Policies: Annual meetings, intent to travel, In-State and Out-of-State travel were discussed and handouts were provided indicating the allowances for travel and limitations on in-state and out-of-state travel. The Board gets one annual meeting a year in which a designee can attend. Board approval is required to attend such annual meetings and the paperwork for the intent to travel would need to be submitted prior to attending.

APPROVAL OF MINUTES OF NOVEMBER 17, 2005

Amendments to the Minutes:

None.

MOTION: Char Glocke moved, seconded by Steven Conway, to approve the minutes of November 17, 2005 as written. Motion carried unanimously.

PRESENTATION OF PROPOSED STIPULATIONS

Jack Zwieg presented the stipulation regarding John Zastrow, D.C. (04 CHI 001) and will be deliberated on during closed session at today's meeting.

PRESENTATION OF PROPOSED STIPULATIONS THAT MAY BE SIGNED AFTER THE MAILING OF AGENDA

Jack Zwieg presented a stipulation regarding LaRoy Reek, D.C. (05 CHI 041 and 05 CHI 047) and will be deliberated on during closed session at today's meeting.

SUMMARY REPORTS ON PENDING COURT CASES, DISCIPLINARY CASES AND ADMINISTRATIVE RULES AND PRESS RELEASES

Dennis Schuh, Legal Counsel, reviewed the summary reports with the Board at today's meeting and was available to answer questions related to these reports. Currently, there are three cases before the ALJ for a decision.

STATUS REPORT ON RULES AND STATUTES

Dennis Schuh, Legal Counsel, reviewed all pending legislation with the Board and informed them of the status of each at today's meeting.

**REPORT DEC. 20, 2005 MEETING OF THE BOARD'S NUTRITIONAL
COUNSELING RULES DEVELOPMENT SUBCOMMITTEE**

Dennis Schuh, Legal Counsel, reviewed the report of the Nutritional Counseling Rules Subcommittee with the Board at today's meeting. Attorney Schuh shared the recommendations made by the Committee and indicated where they would be incorporated in the rules. The Subcommittee will meet again prior to the next board meeting and will come back with final revisions.

**DRAFT RULES REVIEW CHANGES TO CHIR 4,5,6 WIS. ADMINISTRATIVE CODE
AND NEW CHIR CHAPTER RELATING TO REGULATION OF
NUTRITIONAL COUNSELING BY CHIROPRACTORS
PURSUANT TO S. 446.02(2)(C) & (6M)**

Dennis Schuh, Legal Counsel, reviewed the draft rule changes and informed the Board that he spoke with Barbara Showers, Office of Education and Examinations, regarding the past practice related to these rules.

**DISCUSSION REGARDING S. CHIR 5.03 INTERPRETATION OF RULES
REGARDING DENIALS OF CONTINUING EDUCATION
PROGRAM APPLICATIONS**

Dennis Schuh, Legal Counsel, discussed with the Board the interpretation of rules Chir 5.03 related to denials of continuing education program applications at today's meeting.

GENERAL POLICY FOR CE EXTENSION/WAIVER REQUESTS AT RENEWAL

Jeff Scanlan, Director of Health Service Professions, discussed the general policy for continuing education extension or waiver requests at time of renewal with the Board. The following action was taken at today's meeting.

MOTION: James Koshick moved, seconded by Char Glocke, that the CE liaison be designated to verify sufficient notification of a hardship for CE requirements, and licensees will be able to practice until the Board reviews the licensee's request at the next meeting. Motion carried unanimously.

**REVIEW AND APPROVAL OF THE CHIROPRACTIC CONTINUING EDUCATION
APPROVAL FORM SPECIFIED UNDER S. CHIR 5.02 (4)(A)(1) WIS. ADMIN.CODE**

Jeff Scanlan, Director of Health Service Professions, reviewed with the Board the Chiropractic continuing education approval form specified in the administrative rules. The Board took the following action at today's meeting.

MOTION: Steven Conway moved, seconded by Char Glocke, to approve the Chiropractic CE approval form as specified under s. Chir 5.02 (4)(a)(1). Motion carried unanimously.

**NATIONAL BOARD OF CHIROPRACTIC EXAMINERS REQUEST FOR
RECOMMENDATIONS OF TWO BOARD MEMBERS FOR
ADMINISTRATION OF PRACTICAL EXAM AND ONE
BOARD MEMBER FOR JUNE TEST COMMITTEE MEETING**

Jeff Scanlan, Director of Health Service Professions, shared with the Board the request for two board members to attend the administration of the practical exam and also one board member for the June test committee meeting. The Board made the following motion at today's meeting.

MOTION: Wendy Henrichs moved, seconded by Char Glocke, to designate Steven Conway to attend the June 2006 Test Committee Meeting and to designate James Koshick to attend the Administration of the Practical Exam meeting in November 2006. Motion carried unanimously.

**BOARD DESIGNATION OF FEDERATION OF CHIROPRACTIC LICENSING
BOARD (FCLB) VOTING DELEGATES/ALTERNATES**

Jeff Scanlan, Director of Health Service Professions, provided information from the FCLB regarding voting delegates and alternates to represent the Board at their meetings. The Board took the following action at today's meeting.

MOTION: Wendy Henrichs moved, seconded by Steven Conway, to designate James Koshick as the voting delegate and Steven Conway as the alternate voting delegate to FCLB. Motion carried unanimously.

**NATIONAL BOARD OF CHIROPRACTIC EXAMINERS REQUEST FOR BOARD
DESIGNATION OF PROFESSIONAL MEMBER TO SERVE AS
STATE DELEGATE TO NBCE**

Jeff Scanlan, Director of Health Service Professions, shared the request from NBCE for the Board to designate a professional member to serve as the state delegate to the NBCE annual meetings. The following actions were taken at today's meeting.

MOTION: Wendy Henrichs moved, seconded by Mania Moore, to designate James Koshick as the state delegate and Steven Conway as the alternate state delegate to NBCE. Motion carried unanimously.

MOTION: Wendy Henrichs moved, seconded by Mania Moore, to designate James Koshick to attend the FCLB and the NBCE meetings in May of 2006. Motion carried unanimously.

**REVIEW AND DISCUSSION OF INFORMATION PROVIDED BY THE NATIONAL
BOARD OF CHIROPRACTIC EXAMINERS: SPECIAL PURPOSES
EXAMINATION FOR CHIROPRACTIC (SPEC) ETHICS AND
BOUNDARIES EXAMINATION (E&B)**

The Board reviewed and noted the information provided at today's meeting.

DISCUSSION CHIROPRACTIC DISCOUNT CARDS

The Board discussed the issue of Chiropractic discount cards that have come up as promoting chiropractors as a provider that have not signed up for the program. The Board consulted with Dennis Schuh, Legal Counsel, and had a lengthy discussion and expressed various concerns and ethical issues surrounding this topic.

**DISCUSSION ITEM INDEPENDENT MEDICAL EXAMINERS, RESTRICTION OF
CARE PRACTICES BY MANAGED CARE ORGANIZATIONS, INFORMATION
FROM AMERICAN CHIROPRACTIC ASSOCIATION (ACA)**

Dr. Albrecht shared the main issues surrounding managed care organizations and the restrictions of care practices by them. Dennis Schuh will do additional research on this topic and provide his findings to the Board at a future meeting.

PRECEPTORS FOR APPROVALS

The following individuals were presented for approval as preceptors: Raymond Clinton, DC; Bradley Kenney, DC; Kenneth Otto, DC; and Jeffrey Wilder, DC .

MOTION: Wendy Henrichs moved, seconded by Steven Conway, to approve the preceptors as presented at the February 23, 2006 meeting. Motion carried unanimously.

PRECEPTOR APPROVAL FOR REQUESTS RECEIVED AFTER THE PRINTING OF THE AGENDA

None.

CORRESPONDENCE AND PHONE INQUIRIES BY LEGAL COUNSEL

Dennis Schuh, Legal Counsel, has been made aware that SB 394 relating to needle EMG's was before the senate committee. Attorney Schuh will check on what the outcome was and any revisions or amendments that may have occurred at that session.

CONSULTING WITH LEGAL COUNSEL

The Board consulted with Dennis Schuh, Legal Counsel, throughout the meeting as needed.

VISITOR COMMENTS

Noted.

CONVENE TO CLOSED SESSION

MOTION: Steven Conway moved, seconded by Wendy Henrichs, to adjourn to closed session pursuant to Wisconsin state statutes 19.85(1)(a)(b)(f) and (g) to consult with Legal Counsel regarding the Suit by WCA, deliberate on proposed stipulations, deliberate on proposed administrative warnings, deliberate on monitoring issues, application review, monitoring report and DOE case status reports. Motion carried by roll call vote: Steven Conway-yes; Mania Moore-yes; Wendy Henrichs-yes; Steven Silverman-yes; Char Glocke-yes; and James Koshick-yes.

Open Session recessed at 12:55 p.m.

RECONVENE TO OPEN SESSION

MOTION: Wendy Henrichs moved, seconded by Mania Moore, to reconvene into open session at 4:12 p.m. Motion carried unanimously.

MONITORING

APPEARANCES REQUESTING FULL REINSTATEMENT OF HIS LICENSE

RICHARD HORAITIS, D.C.

MOTION: Wendy Henrichs moved, seconded by Char Glocke, to deny the request for full reinstatement of licensure regarding Richard Horaitis, D.C. Motion carried unanimously.

RICHARD GOLDE, D.C.

MOTION: Char Glocke moved, seconded by Wendy Henrichs, to deny the request for reinstatement of licensure regarding Richard Golde, D.C. Motion carried unanimously.

JOHN SCHUETT D.C.

MOTION: Wendy Henrichs moved, seconded by Char Glocke, to adjourn the request for reinstatement of licensure regarding John Schuett, D.C. and request additional information on his psychological treatment. Motion carried unanimously.

REQUESTING MODIFICATION OF BOARD ORDER

CHRISTIAN ZEBRASKY D.C.

MOTION: Char Glocke moved, seconded by Wendy Henrichs, to postpone a decision regarding Christian Zebransky, D.C. until the next Chiropractic Examining Board meeting. Motion carried unanimously.

**DELIBERATION OF MONITORING ISSUES THAT MAY BE RECEIVED
AFTER MAILING OF AGENDA**

None.

DELIBERATION OF PROPOSED STIPULATIONS

JOHN ZASTROW, DC (04 CHI 001)

MOTION: Wendy Henrichs moved, seconded by Mania Moore, to adopt the Findings of Fact, Conclusions of Law, Order, and Stipulation, in the matter of John Zastrow, D.C. Char Glocke did not participate during the deliberation or voting process. Abstained - Char Glocke. Motion carried.

**DELIBERATION OF PROPOSED STIPULATIONS THAT MAY BE SIGNED
AFTER MAILING OF THE AGENDA**

LA ROY REEK, D.C.

MOTION: Steven Conway moved, seconded by Wendy Henrichs, to adopt the Findings of Fact, Conclusions of Law, Order, and Stipulation, in the matter of LaRoy Reek, D.C. Char Glocke did not participate during the deliberation or voting process. Abstained - Char Glocke. Motion carried.

**DELIBERATION OF PROPOSED ADMINISTRATIVE WARNINGS
RECEIVED AFTER MAILING OF AGENDA**

None.

DELIBERATION OF PROPOSED ORDER OF DISMISSAL

LS 0509301 CHI

MOTION: Wendy Henrichs moved, seconded by James Koshick, to accept the proposed order of dismissal regarding case LS 0509301 CHI. Char Glocke did not participate during the deliberation or voting process. Abstained - Char Glocke. Motion carried.

**DELIBERATION OF PROPOSED FINAL DECISIONS & ORDERS THAT MAY BE
SIGNED AFTER MAILING OF THE AGENDA**

None.

**DELIBERATION OF PETITIONS FOR REHEARINGS RECEIVED AFTER
THE MAILING OF THE AGENDA**

None.

DIVISION OF ENFORCEMENT CASE STATUS REPORT

- MOTION:** Wendy Henrichs moved, seconded by James Koshick, to close case **03 CHI 044** for insufficient evidence. Motion carried unanimously.
- MOTION:** James Koshick moved, seconded by Wendy Henrichs, to close case **03 CHI 075** for P2. Motion carried unanimously.
- MOTION:** James Koshick moved, seconded by Char Glocke, to close case **05 CHI 009** for insufficient evidence. Abstained – Steven Silverman. Motion carried.
- MOTION:** James Koshick moved, seconded by Mania Moore, to close case **04 CHI 027** for no violation. Abstained – Wendy Henrichs. Motion carried.
- MOTION:** James Koshick moved, seconded by Char Glocke, to close case **05 CHI 028** for P2. Abstained – Wendy Henrichs. Motion carried.
- MOTION:** James Koshick moved, seconded by Char Glocke, to close case **05 CHI 024** for P2. Abstained – Wendy Henrichs. Motion carried.
- MOTION:** James Koshick moved, seconded by Char Glocke, to close case **05 CHI 002** for P2. Abstained – Wendy Henrichs. Motion carried.

APPLICATION REVIEWS

STEVEN DAVIS, DC

- MOTION:** Wendy Henrichs moved, seconded by Steven Conway, to approve the application of Steven Davis, D.C. upon successfully passing the jurisprudence examination. Motion carried unanimously.

PATRICIA GAFFNEY, DC

MOTION: Wendy Henrichs moved, seconded by Steven Conway, to approve the application of Patricia Gaffney, D.C. upon successfully passing the SPEC and jurisprudence examinations. Motion carried unanimously.

JOHN HAMMER, DC

MOTION: Wendy Henrichs moved, seconded by Mania Moore, to approve the application of John Hammer, D.C. upon successfully passing the Part IV and jurisprudence examinations. Motion carried unanimously.

OTHER BOARD BUSINESS

None.

ADJOURNMENT

MOTION: Wendy Henrichs moved, seconded by Char Glocke, to adjourn the meeting at 4:24 p.m. Motion carried unanimously.